

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
RAC/G41/584	23 April 2007	Landlord

ADDRESS OF PREMISES

1/1, 100 Deanston Drive, Glasgow, G41 3LQ

TENANT

Mrs S Galbraith

NAME AND ADDRESS OF LANDLORD/AGENT

Scottish Prudential, per Hacking & Paterson, 1 Newton Terrace, Glasgow, G3 7PL

DESCRIPTION OF PREMISES

First floor flat in blonde sandstone tenement C.1890, comprising 2 rooms, living kitchen, scullery and bathroom, with central heating.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	Mr A Cowan LLB(Hons) Dip LP
PROFESSIONAL MEMBER	Mr A English FRICS
LAY MEMBER	Mr T Keenan

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3,600.00 per annum	28 June 2007	28 June 2007

A Cowan

Chairman of the Rent Assessment Committee

21st June 2007
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Date

RENT ASSESSMENT COMMITTEE

**STATEMENT OF REASONS FOLLOWING A
DETERMINATION OF A FAIR RENT BY THE RENT
OFFICER**

**DATE OF INSPECTION AND DATE OF DECISION: 28th
JUNE 2007**

PROPERTIES AT

FLAT 1/1, 100 DEANSTON DRIVE, GLASGOW G413LQ

AND

FLAT 3/2, 106 DEANSTON DRIVE, GLASGOW G413LQ

1. THE PARTIES

The Landlord of both properties are Scottish Prudential, whose agents are Messrs Hacking & Paterson, 1 Newton Terrace, Charing Cross, Glasgow G3 7PL.

The tenant of flat 1/1, 100 Deanston Drive, Glasgow is Mrs S. Galbraith.

The tenant of flat 3/2, 106 Deanston Drive, Glasgow is Mrs N. Ross.

2. THE APPLICATION

Both tenancies are regulated tenancy.

On 31st March 2004, the Rent Officer had registered a fair rent in respect of each tenancy in the sum of £2400 per annum.

On 30th March 2007, on the application of the Landlords, the Rent Officer registered a further fair rent in respect of each tenancy in the sum of £2800.

The Landlord has timeously objected to those latest registered rents on the ground that they are too low. In particular, the Landlord has argued that the rent officer's determination in both cases, does not take account of changes in the rental market over the last few years, particularly with regard to scarcity. The Landlord has proposed a new rent in respect of each property in the sum of £3600 per annum.



Accordingly, the matter is referred to the Rent Assessment Committee for determination.

3. DESCRIPTION OF PROPERTY

The Committee inspected both properties on the morning of 28th June 2007. Both tenants were present during the inspections. The Landlord had been invited to the inspections but did not attend. The properties are situated in adjoining tenement buildings. They are of almost identical design and condition. The flat at 3/2, 106 Deanston Drive is a top floor flat whilst Flat 1/1, 100 Deanston Drive is a first floor flat. Both flats are situated in a four storey blonde sandstone tenement which was constructed circa 1890. The tenement has a tiled roof. Each close within the tenement has a communal area at the rear which is partly grassed and which accommodates a communal bin storage area. Both flats comprise of two rooms, living kitchen, scullery and bathroom. Central heating has been installed in both properties with the benefit of the Scottish Executive grant scheme which was available to the Tenant. The windows in both properties are single glazed, traditional timber sash windows. The Committee specifically noted the complaints of both Tenants in relation to the constant draught from these windows. The committee did not see any evidence of water ingress at either property. The properties are conveniently located for public transport and local services.

5. DOCUMENTATION

In addition to the extract from the Rent Register, the Committee considered:

Flat 3/2, 106 Deanston Drive, Glasgow

- a) Form RR1 Application from the Landlord, being the original application for registration of rent by the Landlord dated 6th February 2007
 - b) Letter requesting reference to the Rent Assessment Committee from the Landlord dated 3rd April 2007
 - c) Written representations from the Landlord dated 24th April 2007 and
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- d) Written representations from the Tenant dated 26th April 2007

Flat 1/1, 100 Deanston Drive, Glasgow

- a) Form RR1 Application from the Landlord, being the original application for registration of rent by the Landlord dated 6th February 2007
- b) Letter requesting reference to the Rent Assessment Committee from the Landlord dated 3rd April 2007

6. HEARING

. No hearing took place as neither party had requested a hearing.

7. DECISION

The Rent Assessment Committee comprised Mr A S Cowan, Chairman, Mr English (Surveyor), and Mr T Keenan

The Committee considered all the evidence. The duty of the Committee when determining what rent would be a fair rent under a regulated tenancy is to have regard to all the circumstances, (other than personal circumstances), and, in particular, to apply their knowledge and experience of current rents of other comparable property in the area, as well as having regard to the age, character and locality of the dwellinghouse in question and to its state of repair and, if any furniture is provided for use in the tenancy, the condition of the furniture. The Committee are required to assume that the number of persons seeking to become tenants of similar dwellinghouses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwellinghouses in the locality which are available for letting on such terms (section 48(2)). Disrepair or defects attributable to the tenant should be disregarded, as should any improvements made by the tenant, otherwise than in pursuance of the terms of the tenancy. There were no such defects in this particular case, nor was any furniture provided. In reaching its determination, the Committee complied with its duty as set out above. |

No capital valuations had been produced. The Committee were not provided by either party with evidence of either market value rents or capital values in the locality. The Committee are aware of the need to proceed on the basis of the best available evidence using other available evidence as a check where possible. The Committee is required by Section 48 of the Rent (Scotland) Act 1984 to determine a fair rent by applying "their knowledge and experience of current rent of comparable property in the area". The Committee considered a list of comparable cases which had recently had a registered rent determined by the Rent Officer. Having taken account of the location and size of each of those potential comparable properties, the Committee agreed that the cases identified were not wholly appropriate to form the basis of a comparison with the properties which were the subject of the current applications.

The Committee were able to apply their own knowledge and experience of current market rents of other comparable property in the area and for that reason the Committee concluded that the market value method was the most appropriate method to use in this case and proceeded on that basis.

The Committee took account of the following facts in reaching their decision:

- a) Rents in respect of modern, furnished properties in the area which were a similar size and condition to the flats in Deanston Drive were between £425 and £525 per month
- c) Neither of flats in Deanston Drive benefited from the use of any white goods or carpets supplied by the Landlord
- d) Neither of flats in Deanston Drive had been modernised and both had fairly basic sanitary and kitchen facilities

Having made allowances for all the above factors the Committee, applying its skill, knowledge and experience, having regard to the character and extent of the subjects, and all other matters required by the 1984 Act, determined that the market rent for the subjects is £3600 per annum.



Having determined the market rent, the Committee then considered whether there should be any scarcity deduction in terms of Section 48(2) of the 1984 Act. In the original representations, the Landlords had specifically highlighted that they did not consider that the Rent Officer's determined rent took account of "recent changes in the rental market, particularly with regard to scarcity". The Committee again applying its skill, knowledge and experience, noting that it could find no evidence of excess demand for properties such as the subjects, noting also that there appeared to be a large number of similar sized properties available for rent in the nearby locality of the subjects, decided that there was no significant scarcity of properties in the locality.

Accordingly, the market rent is the fair rent in this case. The decision of the Committee is that the fair rent for the property is £3600 with effect from the 28th June 2007. In reaching that decision, the Committee had regard to all the circumstances required to be taken into account in terms of sections 48 and 49 of the Rent (Scotland) Act 1984.

A Cowan

Chamer.
3/7/07